

Written Testimony of Lorray S.C. Brown
On Behalf of the Michigan Advocacy Project (MAP)
On House Bill 4217 – Amendment to the Michigan Consumer Protection Act
House Committee on Judiciary

Chairman Condino and members of the House Committee on Judiciary, thank you for the opportunity to present a written statement regarding House Bill 4217. I am Lorray Brown, the consumer law attorney at the Michigan Poverty Law Program. The Michigan Poverty Law Program is the statewide back-up center for legal services programs. I am presenting this statement on behalf of the Michigan Advocacy Project. The Michigan Advocacy Project (MAP) is a joint project between the Michigan League for Human Services (MLHS) and the Michigan Poverty Law Program (MPLP). MAP advocates on behalf of the state's low-income population on issues in the areas of low-income housing, family law, consumer protections, and issues affecting the elderly.

We support the effort of this Committee to fix the gaping hole in the Michigan Consumer Protection Act (MCPA) created by the Michigan Supreme Court's case, *Smith v Globe*. However, we are concerned that replacing the phrase "specifically authorized" with ""expressly permitted" may not be sufficient to return the MCPA exemption section to its original purposes. We believe the phrase "expressly permitted" would have the same effect as "specifically authorized" and therefore can still be misinterpreted by the courts.

The language should be clear as to ensure that the MCPA exemption section is not misinterpreted. Thus, the deletion of the entire subsection 4(1)(a) would make it clear to the courts that no regulated industry can escape MCPA liability without a specific exemption. Deleting subsection 4(1)(a) will restore the original intent of the MCPA, and protect consumers as well as honest businesses.

Thank you for your consideration. If you have any questions feel free to contact myself at (734) 998-6100 ext. 32 or Stephanie Wuttke at (517) 372-0860.

Prepared for:
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